

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

<p>UNITED STATES OF AMERICA,</p> <p>Plaintiff,</p> <p>vs.</p> <p>Jorge Mendez-Aruajo; Millton Ruiz-Bautista; Kevin Delgado; Josue Ivan Rodriguez-Aguilar; Juan Jaciel Gonzalez-Esqueda,</p> <p>Defendants.</p>	<p>MEMORANDUM DECISION AND ORDER GRANTING MOTIONS TO CONTINUE TRIAL AND EXCLUDING TIME</p> <p>Case No. 2:10-cr-514 TS</p>
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Defendant Rodriguez-Aguilar moves to continue trial on the grounds that more time is required to verify information necessary to his defense. Defendant Kevin Delgado moves to continue trial and exclude time on the grounds that counsel needs additional time to advise his client in plea negotiations and to conduct an investigation to prepare for trial. Defendants Gonzalez-Esqueda and Mendez-Aruajo join in the Motion on the grounds that additional investigation is required to adequately prepare for trial. The government has no objection to continuing trial and excluding time.

The Court finds that neither plea negotiations nor trial preparation can be completed

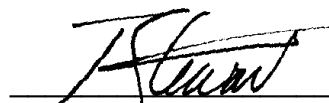
until after effective investigation. This case is made more complex by the number of Defendants. The Court finds that the failure to grant a continuance in these circumstances would deny counsel for the Defendants the time necessary for effective trial preparation, taking into account counsel's due diligence regarding the voluminous discovery. Granting a continuance in the above-entitled matter outweighs the best interests of the public and the defendants in a speedy trial. It is therefore

ORDERED that Defendants' Motion to Continue Trial and exclude time are GRANTED and the trial set for August 16, 2010 is VACATED and a new trial date will be set by separate order. It is further

ORDERED that pursuant to 18 U.S.C. § 3161(h)(7) of the Speedy Trial Act, the period of delay resulting from this continuance to the date of the new trial is hereby ordered excludable pursuant to the Act.

DATED August 9, 2010.

BY THE COURT:

A handwritten signature in black ink, appearing to read "T. Stewart", is written over a horizontal line.

TED STEWART
United States District Judge